

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANDREAS PEFANIS, on behalf of himself and
others similarly situated,

Plaintiff,

Case No. 08-cv-002 (DC) (DFE)

- v. -

**AFFIRMATION OF DEFENDANT'S
ATTORNEY IN OPPOSITION**

WESTWAY DINER, INC.,

Defendant.

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ARTHUR H. FORMAN declares the truth of the following under penalty of perjury:

1. I am the attorney for the Defendant in the above captioned action. I submit this Affirmation in opposition to the motion of the Plaintiffs for class action certification.
2. Annexed hereto as Exhibit "A" is the plaintiffs' Amended Complaint.
3. Annexed hereto as Exhibit "B" is the Consent to become a party plaintiff of Salvador Peralta.

Dated: May 26, 2009
Forest Hills, New York

/S/
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